

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed August 18, 2008. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claim 1 has been canceled without prejudice to further prosecution on the merits. Claims 2-8, 10-13, 15 and 16 have been amended. New Claim 21 has been added. No new matter has been added. Accordingly, Claims 2-21 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter

On page 5 of the Detailed Action, the Examiner objected to Claims 5, 7, 8 and 10-12 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this notice of allowable subject matter.

Applicant has chosen to rewrite Claims 5 and 7 in independent form to include all of the limitations of their respective base claim and any intervening claims. Accordingly, Applicant requests favorable consideration and allowance of independent Claims 5 and 7. Dependent Claims 3, 6, 13 and 15, which depend from independent Claim 5, and dependent Claims 4 and 21, which depend from independent Claim 7, are allowable therewith for at least the reason of their dependency, without regard to the further patentable limitations set forth in such claims.

Despite rewriting Claims 5 and 7 in independent form, Applicant wishes to make it unmistakably clear that it does not agree to or acquiesce in the rejections under 35 U.S.C. §

102(b) detailed below. Claims 5 and 7 have been rewritten in independent form only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

With regard to Claims 8 and 10-12, Applicant has chosen not to rewrite these claims in independent form including all of the limitations of the base claim and any intervening claims. Rather, Applicant has amended Claims 8 and 10 recite a combination of subject matter that Applicant believes is patentable in view of the cited references. Specifically, Applicant has rewritten Claims 8 and 10 in independent form to include all of the limitations of the base claim (i.e., Claim 1), but not to include all of the limitations of the intervening claims. For example, Claims 8 and 10 have been rewritten in independent form without including the subject matter of dependent Claims 2 and 4. Applicant believes that independent Claims 8 and 10 are allowable over the prior art of record even without the inclusion of the subject matter of dependent Claims 2 and 4. Accordingly, Applicant requests favorable consideration and allowance of independent Claims 8 and 10. Dependent Claims 11 and 12, which depend from independent Claim 10, are allowable therewith for at least the reason of their dependency, without regard to the further patentable limitations set forth in such claims.

Claim Rejections – 35 U.S.C. § 102

On pages 2-4 of the Detailed Action, the Examiner rejected Claims 1-4, 6, 9, 13, 14 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by German Patent No. 9306219 (“German Reference ‘219’”). On pages 4-5 of the Detailed Action, the Examiner rejected Claims 1 and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 2003164033 (“Japanese Reference ‘033’”).

With regard to Claims 1, 3, 4, 6 and 13, Applicant believes that these rejections are now moot. As set forth above, Claim 1 has been canceled without prejudice to further prosecution on the merits, and Claims 3, 4, 6, 13 and 15 now depend from either independent Claim 5 or independent Claim 7, which the Examiner has indicated are allowable. With regard to Claims 2, 9 and 14, each of which depends from independent Claim 8, Applicant believes that these

rejections have been overcome in view of the amendments made to independent Claim 8 set forth above. Accordingly, Applicant respectfully requests withdrawal of the rejections of Claims 1-4, 6, 9, 13 and 14 under 35 U.S.C. § 102(b).

With regard to Claims 16-18, Applicant submit that these rejections should be withdrawn because neither German Reference '219 nor Japanese Reference '033, whether taken alone or in any proper combination, disclose, teach or suggest the claimed invention. For example, independent Claim 16 (as amended) recites a "method for laying a cable for connecting components of vehicles" comprising, among other elements, "providing an apparatus having a transfer device with an inlet opening configured to receive the cable, and an outlet opening to direct the cable to a guide, the guide comprising a ramp configured to deflect the cable from an inlet plane, in which the cable enters the guide, into an outlet plane, in which the cable exits the guide" (emphasis added).

German Reference '219 and Japanese Reference '033 both fail to disclose, teach or suggest such a method. Applicant notes that the subject matter added to independent Claim 16 (emphasized above) is similar to the subject matter originally recited in dependent Claim 10. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent Claim 16 because at least one element of such claim is not disclosed, taught or suggested by German Reference '219 or Japanese Reference '033. Claims 17 and 18 depend from Claim 16 and are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of the rejection of Claims 16-18 under 35 U.S.C. § 102(b) is respectfully requested.

Finally, Applicant notes that the Examiner failed to address dependent Claims 19 and 20 in the Non-Final Office Action. While Applicant believes that these claims already recite a combination of subject matter that is allowable over the prior art of record, clarification by the Examiner in the next communication is respectfully requested.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 17, 2008

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5349
Facsimile: (202) 672-5399

Andrew E. Rawlins
Attorney for Applicant
Registration No. 34,702